

SIXTEENTH DAY

(Tuesday, July 2, 1968)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Report of Standing Committee

Senator Herring submitted the following report:

Austin, Texas,
July 2, 1968

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 17, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

**House Concurrent Resolution 17
Ordered Not Printed**

On motion of Senator Hightower and by unanimous consent H. C. R. No. 17 was ordered not printed.

Senate Bills on First Reading

The following bills were introduced,

read first time and referred to the committee indicated:

By Senators Jordan, Brooks and Cole:

S. B. No. 29, A bill to be entitled "An Act establishing the Juvenile Court No. 2 of Harris County; amending Subsection (a), Section 14; Subsection (c), Section 5; Subsection (b), Section 9; Section 2; Section 7, Chapter 288, Acts of the 59th Legislature, 1965, as amended; and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

By Senators Berry and Bernal:

S. B. No. 30, A bill to be entitled "An Act authorizing certain independent school districts to issue time warrants; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Resolution 232

Senator Hightower offered the following resolution:

BE IT RESOLVED BY THE FIRST CALLED SESSION OF THE 60TH LEGISLATURE, That the Contingent Expenses Committee be and is hereby authorized to proceed at once with the installation of a public address system for the Senate Chamber. Sufficient money is hereby appropriated out of the Contingent Fund of the Senate to pay for the design and installation of a system which would provide individual pedestal-mounted microphones on each Member's desk, a central control panel on the desk of the Secretary of the Senate and an additional control on the Lieutenant Governor's desk. Other features of the system shall be determined by the Contingent Expenses Committee. It is the intent of this resolution to have an operative system before the convening of the 61st Regular Session.

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, further consideration of the resolution was postponed until Wednesday, July 3, 1968, following the Morning Call.

Presentation of Guests

The President announced that Mr.

David Evans, President of Lions International, and family were present in the Senate and appointed Senators Schwartz, Hightower, Moore and Herring to escort the distinguished guests to the President's Rostrum.

The President presented Senator Schwartz and he presented Mr. Evans an enrolled copy of Senate Resolution 206 which was adopted on yesterday extending congratulations to Mr. Evans of Texas City on his election as President of Lions International. Senator Schwartz stated that it was a pleasure to have Mr. Evans, a Texan and a personal friend from his Senatorial District as a guest of the Senate and presented him to the Senate.

Mr. Evans on behalf of Lions International presented to Lieutenant Governor Smith a set of the flags representing the 143 countries with membership in the Lions International. He then addressed the Senate giving a report of the Lions International Convention just concluded in Dallas and their projects for the ensuing year. One of the main projects is to visit all the countries represented in Lions International and tell them of the tourist attractions of Texas and inviting them to visit our great State. Mr. Evans then thanked Senator Schwartz and the Members of the Senate for inviting him to be present today.

Senator Schwartz then presented Mrs. Evans and daughter, Tanya, as well as the other Lions Clubs represented here today.

The President accepted the gift of Mr. Evans on behalf of the Senate and stated that it would be placed in the Lieutenant Governor's office and wished Mr. Evans well and best wishes as he takes up his new position as President of the Lions International. The President thanked Mr. Evans for the gift and for his presence in the Senate today.

Message From the House

Hall of the House of Representatives
Austin, Texas,
July 1, 1968.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Motion to reconsider vote by which House refused to concur in Senate amendments to House Bill No. 2 prevailed by non-record vote.

The House has concurred in Senate amendments to House Bill No. 2 by vote of 85 Ayes, 59 Noes.

H. C. R. No. 28, Creating the Governor's Advisory Committee on Fitness.

H. C. R. No. 30, In memory of Judge Charles Windberg, Jr.

H. C. R. No. 31, Commending Wilbur F. Pate for his outstanding service to education in the State of Texas.

H. C. R. No. 32, Congratulating Mr. C. H. Cavness on his retirement as State Auditor.

H. C. R. No. 33, In memory of Dr. John Alton Burdine.

H. C. R. No. 34, In memory of Robert Hunter.

H. C. R. No. 26, Relating to requesting the U. S. Corps of Engineers, Galveston, Texas, to give prompt consideration to the petition for assistance made by landowners and leaseholders of property abutting the Guadalupe and San Antonio Rivers in Victoria, Refugio, and Calhoun counties.

H. C. R. No. 23, Granting permission to Day and Zimmerman, Inc., to sue the State of Texas and the Comptroller of Public Accounts of the State of Texas.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 235

Senator Kennard offered the following resolution:

WHEREAS, The State of Texas is richly endowed with natural resources, from the large timbered forest of East Texas to the sandy beaches of the Gulf of Mexico to the mountains of West Texas and the rolling plains and canyons of the Panhandle; and

WHEREAS, The rapidly increasing operation of the State and the growth of urban and metropolitan areas has caused more Texans to leave the cities to enjoy the wide-open spaces of the great outdoors; and

WHEREAS, Even though the State

has many beautiful parks and recreational areas to serve its citizens, these facilities are overcrowded and inadequate to meet the demand for more space and better recreational facilities; now, therefore, be it

RESOLVED, By the Senate of the 60th Legislature, First Called Session, that the Lieutenant Governor be authorized to appoint a committee of seven members of the Texas Senate to study the problem of locating and securing more land which could be set aside for parks and recreational purposes, the better utilization of existing parks and the development of existing parks to accommodate more visitors; and, be it further

RESOLVED, That said committee shall submit a report in writing to the 61st Legislature and made appropriate recommendations for more and better parks and recreational facilities; and, be it further

RESOLVED, That the committee shall prepare a budget for the operating expense of said committee which shall be submitted to the Contingent Expenses Committee of the Senate. The prior approval of such budget shall be obtained before any payments may be made from such Contingent Funds. Prior approval by the Contingent Expense Committee must be obtained before any non-budgeted expenses may be paid.

KENNARD
CHRISTIE
WILSON
HARRIS
CREIGHTON
HARRINGTON
BLANCHARD
BATES
BROOKS
BERNAL
WADE
HERRING
RATLIFF
HAZLEWOOD
STRONG
MAUZY
SCHWARTZ
CONNALLY
WATSON
HALL
WORD

The resolution was read and was adopted.

Senate Concurrent Resolution 22

Senator Schwartz offered the following resolution:

S. C. R. No. 22, Congratulating Temple B'nai Israel on its 100th Anniversary.

WHEREAS, The Temple B'nai Israel of Galveston, Texas, will celebrate its 100th birthday this year; and

WHEREAS, For the past century, succeeding congregations of Temple B'nai Israel have contributed monumentally to the growth of that Historical city; and

WHEREAS, The teachings of Judaism have always been foremost in the activities of the Congregation and Rabbis of Temple B'nai Israel; and

WHEREAS, One of the great Rabbis of Contemporary Times, Rabbi Henry Cohen, served Temple B'nai Israel from 1888 to 1950 and as Rabbi Emeritus until his death in 1952, and his inspiring leadership in the years he served B'nai Israel prepared and guided the Congregation in its role in the Galveston Community as a group with great community social conscience; and

WHEREAS, These congregations have furthered the cause of humanitarianism through such bodies as the Galveston Immigration Information Bureau, which assisted Jewish immigrants in their migration into the heartlands of America during the early 1900's; and

WHEREAS, With each passing year, the congregation maintains its social concern in the general community, as evidenced by its participation in the successful "Operation Understanding" during which the entire Galveston community was invited to Temple B'nai Israel to learn more about Judaism; and the Congregation of Temple B'nai Israel visited each of the churches of other religious faiths in the community; and

WHEREAS, The City of Galveston and, indeed, the entire State of Texas, takes great pride in the accomplishments of Temple B'nai Israel; now, therefore, be it

RESOLVED, The Senate of the 60th Legislature, and the House of Representatives concurring wishes to convey to Temple B'nai Israel's congregation their warm and sincere congratulations upon the celebration of the centennial observance October 18-20, 1968; and, be it further

RESOLVED, That the Senate of the 60th Texas Legislature and the House of Representatives convey their heartiest congratulations to the con-

gregation of Temple B'nai Israel; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the congregation of Temple B'nai Israel in appreciation of its efforts in behalf of, and contributions to, the State of Texas.

The resolution was read.

On motion of Senator Schwartz, the resolution was considered immediately and was adopted.

Senate Resolution 236

Senator Bernal offered the following resolution:

WHEREAS, The Texas Quarterly, just released from The University of Texas Press, includes a separate section containing a collection of 18 poems by Don P. Adams, graduate student at The University of Texas at Austin; and

WHEREAS, Entitled "The Long Wail," the poems are illustrated with ink drawings by Tony Enyedy of Los Angeles, California, and with a reproduction of an oil painting by Elliott World of Killeen, Texas; and

WHEREAS, A native of Big Spring, Texas, Don P. Adams was a 1949 graduate of Paschal High School in Fort Worth; last year he was assistant director of journalism activities in the University Interscholastic League; he is currently a Capitol correspondent in Austin for the San Antonio Express-News, and will begin teaching journalism this fall at Bee County College, Beeville, Texas; and

WHEREAS, An August, 1968, candidate for a master's degree in communications at The University of Texas at Austin, Mr. Adams has received many awards and citations; his poetry appeared in the 1960 Anthology of College Poetry, and the Seven Arts Magazine; last fall he received a Citation of Honor from Story Magazine, New York, for a story submitted to the Story College Creative Awards contest; scheduled for publication by Texas Parade Magazine, New York, for story about a West Texas editor, the late Frank Grimes of the Abilene Reporter-News; and a monograph under the sponsorship of a Gail Borden Graduate Scholarship is to be published by The University of Texas Press sometime next year; and

WHEREAS, Mr. Adams has also written articles for several magazines, including Scholastic Editor, Texas Observer, Quill and Scroll, Photolith, and Southwestern Art; and

WHEREAS, He is a member of the Association for Education in Journalism, Sigma Delta Chi professional journalistic society, Pi Kappa Delta honorary forensics fraternity, and The University of Texas Ex-Students' Association; and

WHEREAS, The son of Mrs. Dorothy McReynolds of Fort Worth, he is married to the former Mary Dacy Langdon of Houston; and

WHEREAS, It is appropriate that the Senate of the 60th Legislature, 1st Called Session, commend Don P. Adams for his outstanding literary achievements; now, therefore, be it

RESOLVED by the Senate of the State of Texas, That Don P. Adams be and he is hereby congratulated on his latest literary success, the publication by The University of Texas Press in the Texas Quarterly of his collection of poems entitled "The Long Wail"; and, be it further

RESOLVED, That by this Resolution the Senate express appreciation for the additions he has made to Texas culture by his literary efforts, which are a credit both to him and to the entire Texas educational system; and be it further

RESOLVED, That a copy of this Resolution be prepared for him under the Seal of the Senate as an expression of esteem for him and his literary works by the Texas Senate and all the people of Texas.

The resolution was read and was adopted.

Senate Resolution 239

Senator Bernal offered the following resolution:

WHEREAS, National statistics indicate that 3.2 percent of White America is unemployed, 6.4 percent of Negro America is unemployed, and 7.5 percent of all Mexican-Americans are unemployed; and

WHEREAS, On the basis of the 1960 census, Texas alone had an unemployment rate of 4.1 percent for White workers, 7.1 percent for Negro workers, and 8.2 percent for Mexican-American workers; and

WHEREAS, If a man cannot ob-

tain employment because of his race, his religion, or his national origin, it is not only a tragedy for the individual, who cannot support himself or his family, but it is equally a tragedy for our entire society which loses the contributions an individual is prepared to make to that society; and

WHEREAS, It is the judgment of the Texas Legislature that we can no longer afford this great loss of manpower, nor can we continue to ignore injustices with respect to discrimination in employment; and

WHEREAS, The Texas Legislature is especially opposed to discrimination in the hiring of state employees; and

WHEREAS, There is presently no statistical information available comparing state agencies on a basis of ethnic groups, salaries, or hiring practices; and

WHEREAS, The 1960 census does not constitute a valid appraisal of unemployment in Texas for 1968—particularly regarding state agencies; and

WHEREAS, The Texas Legislature, during its 60th Regular Session in 1967, saw fit to pass by a vote of 28 to 1 in the Senate and an overwhelming voice vote in the House, Senate Bill 185 by Senator Kennard, et al., which expressed the concern of the Legislature for "actions by state or local government officers or employees that discriminate against persons because of the persons' race, religion, color, or national origin"; now, therefore, be it

RESOLVED by the Senate of the 1st Called Session of the 60th Texas Legislature, That the Texas Legislative Council be requested to make a statistical survey of employment practices of the State of Texas, with respect to ethnic origin of employees, classifications, and salaries by ethnic group, and that the Council's report divide these statistics into the following four classifications: (1) Anglo, (2) Negro, (3) White-with-Spanish-surname, (4) Others; and, be it further

RESOLVED, That the Legislative Council shall make a complete report to the 61st Regular Session of the Legislature.

The resolution was read.

Question on the adoption of the resolution, "Yeas" and "Nays" were demanded.

The resolution was adopted by the following vote:

Yeas—19

Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	Patman
Christie	Reagan
Cole	Schwartz
Hall	Strong
Harrington	Watson
Herring	Wilson
Hightower	

Nays—12

Aikin	Harris
Blanchard	Hazlewood
Connally	Moore
Creighton	Ratliff
Grover	Wade
Hardeman	Word

House Concurrent Resolution 33
on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 33, Memorial resolution for Dr. John Alton Burdine.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

House Concurrent Resolution 32
on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 32, Commending C. H. Cavness for his outstanding service as State Auditor.

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Patman and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

By unanimous consent the resolu-

tion was considered immediately and was unanimously adopted.

**House Concurrent Resolution 31
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 31, Extending congratulations to Wilbur F. Pate for his outstanding service to education in Texas.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 34
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 34, Memorial resolution for Robert Hunter.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

**House Concurrent Resolution 30
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 30, Memorial resolution for Judge Charles Windberg, Jr.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

House Resolution on First Reading

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H. C. R. No. 23, To Committee on Jurisprudence.

**House Concurrent Resolution 20
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 20, Authorizing Texas Arts and Industries University to

accept title to certain lands in Kleberg County.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 21
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 21, Memorial resolution for Ray Lowry.

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

By unanimous consent, the resolution was considered immediately and was then unanimously adopted by a rising vote of the Senate.

**House Concurrent Resolution 22
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 22, Extending congratulations to the citizens of Crawford, Texas, upon selection as "Texas' most progressive rural community."

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Watson and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

By unanimous consent, the resolution was considered immediately and was then unanimously adopted.

**House Concurrent Resolution 25
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 25, Memorial resolution for Warren S. Hatfield.

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Watson and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.

Report of Standing Committee

Senator Herring, by unanimous consent, submitted the following report:

Austin, Texas,
July 1, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 23, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

**House Concurrent Resolution 23
Ordered Not Printed**

On motion of Senator Aikin and by unanimous consent H. C. R. No. 23 was ordered not printed.

Notice of Executive Session

Senator Blanchard gave Notice that he would today move for an Executive Session at 11:45 o'clock a.m.

**House Concurrent Resolution 17
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 17, Granting permission to John B. Barbour, Jr., et al., to sue the State.

The resolution was read.

On motion of Senator Hightower, and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 23
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 23, Granting permission to Day and Zimmerman, Inc., to sue the State of Texas.

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Bill 1 on Third Reading

On motion of Senator Bates and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S. B. No. 1, A bill to be entitled "An Act prohibiting the issuance of Private Club Registration Permits in certain areas; amending Article I, Texas Liquor Control Act by adding Section 15(f); repealing Subdivision (f), Subsection 7, Section 15(e), Article I, Texas Liquor Control Act (Article 666-15(e), Vernon's Texas Penal Code); and declaring an emergency."

The bill was read the third time.

(Senator Hardeman in the Chair.)

Question—Shall S. B. No. 1 be finally passed?

(President in the chair.)

Executive Session

The President announced the time had arrived for the Senate to go into Executive Session at 11:45 o'clock a.m. today. (The Notice for Executive Session having been given today.)

Accordingly, the President directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations:

To be a member of the State Highway Commission, filling the unexpired term of Halbert O. Woodward, resigned, term to expire February 15, 1971: Garrett Morris, Fort Worth, Tarrant County.

To be a member of the Public Safety Commission filling the unexpired term of Garrett Morris, resigned, term to expire December 31, 1973: Marion T. Key, Lubbock, Lubbock County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, for a six-year term to expire February 1, 1973: Lon Hill of Corpus Christi, Nueces County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, for a term to expire February 1, 1971: Brisco King of Corpus Christi, Nueces County.

To be a member of the Board of Directors of the Trinity River Authority, for a term to expire March 15, 1973: Guy C. Jackson III of Anahuac, Chambers County.

To be a member of the Board of Directors of the Lower Concho River Water and Soil Conservation Authority, for a term to expire January 1, 1973: James L. Daniel of Eden, Concho County.

To be a member of the Board of Directors of the Trinity River Authority, for a term to expire March 15, 1971: John M. Scott of Fort Worth, Tarrant County.

To be a member of the Board of Directors of the Trinity River Authority, for a term to expire March 15, 1973: Amon G. Carter, Jr., of Fort Worth, Tarrant County.

To be a member of the Board of

Directors of the Trinity River Authority, for a term to expire March 15, 1971: L. H. True of Dallas, Dallas County.

To be a member of the Board of Directors of the Runnels County Water Authority, for a term to expire January 1, 1973: John Bradley of Ballinger, Runnels County.

To be a member of the Board of Directors of the Runnels County Water Authority, for a six-year term to expire January 1, 1973: Eugene Kasberg of Miles, Runnels County.

To be a member of the Board of Directors of the Runnels County Water Authority, for a six-year term to expire January 1, 1973: A. L. Mitchell of Winters, Runnels County.

To be a member of the Submerged Lands Advisory Committee, for a term to expire December 31, 1968: J. Chrys Dougherty of Austin, Travis County.

To be a member of the Board of Directors of the Lower Colorado River Authority, for a six-year term to expire January 1, 1973: Cecil Long of Bastrop, Bastrop County.

To be a member of the Texas Water Well Drillers Board for a six-year term to expire September 15, 1973: R. F. Myers of Dallas, Dallas County.

To be a member of the Board of Directors of the Trinity River Authority, for a term to expire March 15, 1971: T. Louis Austin of Dallas, Dallas County.

To be a member of the Board of Directors of the Trinity River Authority, for a term to expire March 15, 1973: Ben H. Carpenter of Dallas, Dallas County.

To be a member of the Board of Directors of the Lower Colorado River Authority, for a six-year term to expire January 1, 1973: J. C. Lewis of Bay City, Matagorda County.

To be a member of the Board of Directors of the Lower Colorado River Authority, for a six-year term to expire January 1, 1973: Joe Entzminger of Bay City, Matagorda County.

To be a member of the Board of Directors of the Jackson County

Flood Control District, for a six-year term to expire May 1, 1973: Harrison Stafford of Edna, Jackson County.

To be a member of the Board of Directors of the Coastal Industrial Water Authority, for a term to expire April 1, 1969: George Henscey of Dayton, Liberty County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, for a term to expire February 1, 1971: Clifton Anderson of Camp Wood, Real County.

To be a member of the Board of Regents of the University of Texas, for a six-year term to expire January 10, 1973: Frank N. Ikard, of Wichita Falls, Wichita County.

To be a member of the Board of Directors of the Lower Concho River Water and Soil Conservation Authority, for a six-year term to expire January 1, 1973: E. H. Swain of Eden, Concho County.

To be a member of the Board of Directors of the Lower Concho River Water and Soil Conservation Authority, for a six-year term to expire January 1, 1973: Scott L. Hartgrove of Paint Rock, Concho County.

To be a member of the Board of Directors of the Lower Colorado River Authority, for a six-year term to expire January 1, 1973: Harry Shapiro of San Saba, San Saba County.

To be a member of the Board of Directors of the Upper Red River Flood Control and Irrigation District, for a term to expire July 3, 1971: Fred Mercer of Silverton, Briscoe County.

To be a member of the Board of Directors of the Upper Red River Flood Control and Irrigation District, for a term to expire July 3, 1971: Carl Hill of Parnell, Hall County.

To be a member of the Board of Directors of the Upper Red River Flood Control and Irrigation District, for a term to expire July 3, 1971: Arville Setliff of Turkey, Hall County.

To be a member of the Board of Directors of the Upper Red River Flood Control and Irrigation District, for a term to expire July 3, 1971:

O. R. Stark of Quitaque, Briscoe County.

To be a member of the Texas Board of Mental Health and Mental Retardation, for a six-year term to expire January 31, 1973: Jess Osborn of Muleshoe, Bailey County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, for a six-year term to expire February 1, 1973: Jack S. Graves of Uvalde, Uvalde County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, for a six-year term to expire February 1, 1973: Claud Gilmer of Rocksprings, Edwards County.

To be a member of the Texas Board of Corrections, for a six-year term to expire February 2, 1973: David D. Allen of Houston, Harris County.

To be a member of the Board of Directors of Texas Arts and Industries University, for a term to expire August 31, 1973: Lewis W. Maples of Kingsville, Kleberg County.

To be a member of the Texas Library and Historical Commission, for a six-year term to expire September 28, 1973: Robert E. Davis of Waco, McLennan County.

To be a member of the Texas Water Quality Board, for a term to expire September 1, 1969: Jerry L. Brownlee of Fort Worth, Tarrant County.

To be a member of the Board of Directors of the Trinity River Authority, for a term to expire March 15, 1971: Bruce Smith of Athens, Henderson County.

To be Sabine River Compact Commissioner, for a term to expire July 12, 1971: J. M. Syler of Newton, Newton County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, for a term to expire February 1, 1971: George Morrill of Beeville, Bee County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, for a six-year term to expire Febru-

ary 1, 1973: Ray Keck, Jr., of Colla, La Salle County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, for a six-year term to expire February 1, 1973: Albert Ivy of Carrizo Springs, Dimmit County.

To be a member of the Board of Directors of Texas Arts and Industries University, for a six-year term to expire August 31, 1973: William H. Atkinson of Kenedy, Karnes County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, for a term to expire February 1, 1971: Alvin Morris of Crystal City, Zavala County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, for a term to expire February 1, 1971: Marion Atkinson of Kenedy, Karnes County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, for a term to expire February 1, 1971: Jerome Brite of Pleasanton, Atascosa County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, for a six-year term to expire February 1, 1973: George Jambers of Tilden, McMullen County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, for a six-year term to expire February 1, 1973: Wayne Hamilton of La Pryor, Zavala County.

To be a member of the Texas Library and Historical Commission, for a six-year term to expire September 28, 1973: Fred Hartman of Baytown, Harris County.

To be a member of the Board of Directors of the Jackson County Flood Control District, for a six-year term to expire May 1, 1973: Ed Due-now of Lolita, Jackson County.

To be a member of the Board of Directors of the Texas Arts and Industries University, for a six-year term to expire August 31, 1973: Leo

J. Welder of Victoria, Victoria County.

To be a member of the Board of Directors of the Coastal Industrial Water Authority, for a term to expire April 1, 1969: Johnnie G. Jennings of Baytown, Chambers County.

In Legislative Session

The President called the Senate to order as In Legislative Session at 11:59 o'clock a.m.

Recess

On motion of Senator Brooks the Senate at 12:00 o'clock M. took recess until 2:30 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p.m.

Senate Bill 1 on Third Reading

The Senate resumed the consideration of the pending business, same being S. B. No. 1 on its third reading and final passage.

Question—Shall S. B. No. 1 be finally passed?

Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

H. B. No. 2, A bill to be entitled "An Act raising revenue for the operation of state government; amending Chapter 20, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, to increase the limited sales, excise and use tax, provide certain exemptions; and provide for the exclusion of certain transportation charges from the tax base under certain conditions; making temporary saving provisions for certain written contracts and bids; making the necessary conforming amendments to the Local Sales, Excise and Use Tax (Article 1066c, Vernon's Texas Civil Statutes); amending Chapter 6, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, to increase the sales and use tax on motor vehicles and to amend the definition of retail sale; amending Chapter 12, Title 122A, Taxation-General,

Revised Civil Statutes of Texas, 1925, as amended, to increase the corporate franchise taxes; providing an effective date; and declaring an emergency."

Message From the House

Hall of the House of Representatives,
Austin, Texas,
July 2, 1968.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 21, Relating to the retirement of Sam Tutt Cook as head of the Houston Legal Aid Society.

The House has adopted the Conference Committee Report on House Bill No. 5 by a vote of 107 ayes, 39 noes and 1 present not voting.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 1 on Third Reading

The Senate resumed the consideration of the pending business, same being S. B. No. 1 on its third reading and final passage.

Question—Shall S. B. No. 1 be finally passed?

Question on the final passage of S. B. No. 1, "Yeas" and "Nays" were demanded.

The bill failed of final passage by the following vote:

Yeas—15

Aikin	Grover
Bates	Hardeman
Bernal	Harrington
Berry	Jordan
Brooks	Mauzy
Christie	Schwartz
Cole	Watson
Connally	

Nays—16

Blanchard	Moore
Creighton	Patman
Hall	Ratliff
Harris	Reagan
Hazlewood	Strong
Herring	Wade
Hightower	Wilson
Kennard	Word

Senate Bill 27 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 27, A bill to be entitled "An Act validating all proceedings heretofore had in connection with the creation, organization and operation of Harris County Water Control and Improvement District No. 56, including but not limited to the election held in said District on May 28, 1968; and declaring an emergency."

The bill was read second time.

Senator Brooks raised the Point of Order the bill was not within the Governor's Call.

The President sustained the Point of Order.

Senate Bill 20 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 20, A bill to be entitled "An Act creating and establishing a Conservation and Reclamation District under Article 16, Section 59 of the Constitution of Texas, to be known as 'Gulfway Utility District,' etc., and declaring an emergency."

The bill was read second time.

Senator Brooks raised the Point of Order the bill was not in the Governor's call.

The President sustained the Point of Order.

Senate Bill 13 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 13, A bill to be entitled "An Act defining terms; further defining the powers of public agencies and joint airport boards created to operate jointly owned public airports; granting additional powers to such boards and to public agencies, etc., and declaring an emergency."

The bill was read second time.

Senator Christie raised the Point of Order the bill was not in the Governor's call.

The President sustained the Point of Order.

Senate Bill 23 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 23, A bill to be entitled "An Act providing for the creation of the Moore County Hospital District over all of Moore County, Texas; etc., and declaring an emergency."

The bill was read second time.

Senator Schwartz raised the Point of Order the bill was not in the Governor's Call.

The President sustained the Point of Order.

Senate Bill 24 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 24, A bill to be entitled: "An Act relating to the creation, establishment, maintenance and operation of a hospital district in accordance with the provisions of Section 9 of Article IX of the Constitution of the State of Texas, to be known as the Donley County Hospital District, etc., and declaring an emergency."

The bill was read second time.

Senator Brooks raised the Point of Order the bill was not in the Governor's Call.

The President sustained the Point of Order.

Senate Bill 28 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 28, A bill to be entitled "An Act relating to issuance of time warrants by certain independent school districts; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 28 on Third Reading

Senator Moore moved that Senate Rule 32 and the Constitutional Rule

requiring bills to be read on three several days be suspended and that S. B. No. 28 be placed on its third reading and final passage.

The motion prevailed by the following vote.

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Harrington	Watson
Harris	Wilson
Hazlewood	Word

Nays—1

Hardeman

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the final passage of S. B. No. 28.

Committee Substitute House Bill 1 on Second Reading

The President laid before the Senate C. S. H. B. No. 1 (the bill having been read the second time on Thursday, June 27, 1968) with an amendment by Senator Patman pending.

Question—Shall the amendment by Senator Patman to C. S. H. B. No. 1 be adopted?

Pending discussion by Senator Patman of the amendment, Senator Bates raised the Point of Order that the amendment seeks to amend a section of the bill that has previously been amended at the same stage of the bill.

The President sustained the Point of Order.

Senator Berry offered the following amendment to the bill:

Amend the Senate Committee Substitute to House Bill No. 1 by striking all of the paragraph beginning with the word "In," line 50, page 23, and ending with the word "fee," line 28, page 24, of the printed committee substitute and substituting therefor a new paragraph to read as follows:

"In addition to all other fees levied and assessed by the Texas Liquor Control Act, there is hereby levied and assessed a fee at the same rate as that prescribed in the Limited Sales Tax of the gross amount of money received by the holder of Private Club Registration Permit, except where such Permittee operates under the locker system, or any of the its officers, directors, agents, servants or employees, from the serving or storing for consumption on the premises where stored distilled spirits and wine containing alcohol in excess of fourteen percent (14%) by volume. The holder of the Private Club Registration Permit, and any of its officers, directors, or agents shall be liable for this fee."

The amendment was read and was adopted.

On motion of Senator Christie, and by unanimous consent the caption was amended to conform to the body of the bill.

(Senator Schwartz in the Chair.)

Pending discussion by Senator Blanchard of the bill, Senator Patman moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

Yeas—14

Aikin	Mauzy
Blanchard	Moore
Creighton	Patman
Hall	Ratliff
Hardeman	Reagan
Hazlewood	Watson
Hightower	Word

Nays—17

Bates	Brooks
Bernal	Christie
Berry	Cole

Connally
Grover
Harrington
Harris
Herring
Jordan

Kennard
Schwartz
Strong
Wade
Wilson

Question—Shall C. S. H. B. No. 1 be passed to third reading?

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 21, Extending congratulations to Sam Tutt Cook.

House Bill 25 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 25, A bill to be entitled "An Act to transfer Seven Million, Five Hundred Thousand Dollars (\$7,500,000) from the "Operator's and Chauffeur's License Fund" to the General Revenue Fund; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following Committee Amendment to the bill:

Amend H. B. No. 25 by deleting the quoted Section 1, and by inserting in lieu thereof the following:

"Section 1. The Comptroller of Public Accounts from time to time shall transfer any sums in the Operator's and Chauffeur's License Fund which are in excess of the amounts required to finance authorized appropriations for the normal operation and maintenance of the Department of Public Safety to the General Reserve Fund until the total of such transfers equals Three Million Dollars (\$3,000,000); thereafter the allocation of such revenue shall be as provided in Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (codified as Article 6687b, Vernon's Texas Civil Statutes), prior to the effective date of this Act." And by amending the caption accordingly.

The Committee Amendment was read and was adopted.

The bill as amended was passed to third reading.

House Bill 25 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 25 be passed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

Report of Standing Committee

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,
July 2, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 30, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman
CHRISTIE
WORD

Senate Bill 30 Ordered Not Printed

On motion of Senator Berry and by unanimous consent S. B. No. 30 was ordered not printed.

Committee Substitute House Bill 1 on Second Reading

The Senate resumed the consideration of the pending business, same being C. S. H. B. No. 1 on its second reading and passage to third reading.

Question—Shall the bill (C. S. H. B. No. 1) be passed to third reading?

(President in the Chair.)

Pending discussion by Senator Blanchard of the bill, the President Pro Tempore occupied the chair.

Motion to Place House Bill 16 on Second Reading

Senator Bernal asked unanimous consent that the regular order of business be suspended to take up for consideration at this time H. B. No. 16 on its second reading and passage to third reading.

There was objection.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
July 2, 1968.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 39, Relating to corrections in House Bill No. 5.

S. C. R. No. 22, Commending the Temple B'nai Israel of Galveston, Texas, etc.

The House concurred in Senate amendments to House Bill No. 25 by vote of 137 ayes, 8 noes.

H. C. R. No. 35, Commending the Capitol Police Force.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Resolution Signed

The President Pro Tempore announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 22, Commending the Temple B'nai Israel of Galveston on the occasion of its 100th Anniversary.

Committee Substitute House Bill 1 on Second Reading

The Senate resumed the consideration of the pending business, same being C. S. H. B. No. 1 on its second reading and passage to third reading.

Question—Shall the bill (C. S. H. B. No. 1) be passed to third reading?

(President in the Chair.)

Conference Committee Report on House Bill 5

Senator Aikin asked unanimous consent that he be granted permission to submit the Conference Committee Report on H. B. No. 5.

There was objection.

Senator Aikin then moved that he be permitted to submit the Conference Committee Report on H. B. No. 5.

The motion prevailed.

Senator Strong raised the Point of Order that under Senate Rule 26 the submission of a Conference Committee Report was not a privileged motion.

The President over-ruled the Point of Order.

Senator Aikin then submitted the following Conference Committee Report on H. B. No. 5:

Austin, Texas,
July 2, 1968.

Hon. Preston Smith, Lieutenant Governor, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill No. 5, have met and had the same under consideration, and beg to report back with the recommendation that it do pass in the form attached.

AIKIN
HARDEMAN
HERRING
CREIGHTON

On the part of the Senate.

HEATLY
LONGORIA
MUTSCHER
SHANNON
of Tarrant
SLACK

On the part of the House.

The Conference Committee Report was read and was adopted by the following vote:

Yeas—28

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Reagan
Hall	Schwartz
Hardeman	Strong
Harrington	Wade
Harris	Watson
Hazlewood	Wilson

Nays—3

Cole	Word
Grover	

(Senator Hardeman in the Chair.)

House Concurrent Resolution 39 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 39, Authorizing the Enrolling Clerk of the House to make certain technical corrections in H. B. No. 5.

The resolution was read.

Senator Herring offered the following amendment to the resolution:

Amend H. C. R. No. 39 by adding a new paragraph 4 to read as follows:

"4. At Page IV-78 add another sentence to Section 40 to read as follows:

"'Provided, however, that the ten per cent (10%) limitation stated above shall not apply to students who have been accepted for admission to any State-supported professional school for the Fall 1968 Semester.'"

HERRING
CREIGHTON
HARDEMAN
AIKIN
WORD

The amendment was read and was adopted.

The resolution as amended was then adopted by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

Committee Substitute House Bill 1 on Second Reading

The Senate resumed the consideration of the pending business, same being C. S. H. B. No. 1 on its second reading and passage to third reading.

Question—Shall C. S. H. B. No. 1 be passed to third reading?

Pending discussion by Senator Blanchard of the bill, Senator Word moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

Yeas—15

Aikin Blanchard

Cole	Moore
Creighton	Patman
Hall	Ratliff
Hardeman	Reagan
Hazlewood	Watson
Hightower	Word
Mauzy	

Nays—16

Bates	Harris
Bernal	Herring
Berry	Jordan
Brooks	Kennard
Christie	Schwartz
Connally	Strong
Grover	Wade
Harrington	Wilson

Question—Shall C. S. H. B. No. 1 be passed to third reading?

Senate Resolution 249

Senator Word offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Carrin Patman; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That her presence be recognized by the Senate of Texas and that she be extended the official welcome of the Senate.

The resolution was read and was adopted.

Committee Substitute House Bill 1 on Second Reading

The Senate resumed the consideration of the pending business, same being C. S. H. B. No. 1 on its second reading and passage to third reading.

Question—Shall C. S. H. B. No. 1 be passed to third reading?

Pending discussion by Senator Blanchard of the bill, Senator Word moved that the Senate take recess until 8:30 o'clock p.m. today.

Question on the motion to take recess, "Yeas" and "Nays" were demanded.

The motion to take recess was lost by the following vote:

Yeas—15

Aikin Blanchard

Cole	Moore
Creighton	Patman
Hall	Ratliff
Hardeman	Reagan
Hazlewood	Watson
Hightower	Word
Mauzy	

Nays—16

Bates	Harris
Bernal	Herring
Berry	Jordan
Brooks	Kennard
Christie	Schwartz
Connally	Strong
Grover	Wade
Harrington	Wilson

Question—Shall C. S. H. B. No. 1 be passed to third reading?

Message From the House

Hall of the House of Representatives
Austin, Texas,
July 2, 1968.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 36, Granting permission to Frederick P. Adams to bring suit against Harris County, Texas.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Committee Substitute
House Bill 16 on Second Reading**

On motion of Senator Bernal and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 16, A bill to be entitled "An Act relating to possession of certain weapons on premises covered by a permit or license issued under the provision of the Texas Liquor Control Act and at dances where alcoholic beverages are openly served; the display of a sign in premises covered by a Retail Dealer's On-Premise License; providing penalties; amending Article 483, Penal Code of Texas, 1925, as amended and Article II, Texas Liquor Control Act (Articles 667-1 through 667-33, Vernon's Texas Penal Code); and declaring an emergency."

The bill was read second time.

Question on the passage of C. S. H. B. No. 16 to third reading, "Yeas" and "Nays" were demanded.

The bill was passed to third reading by the following vote:

Yeas—25

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	Moore
Christie	Patman
Grover	Ratliff
Hall	Reagan
Hardeman	Schwartz
Harrington	Strong
Harris	Wilson
Hazlewood	Word
Herring	

Nays—5

Blanchard	Wade
Connally	Watson
Creighton	

Absent

Cole

**Committee Substitute
House Bill 16 on Third Reading**

Senator Bernal moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 16 be passed to its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	Moore
Christie	Patman
Grover	Ratliff
Hall	Reagan
Hardeman	Schwartz
Harrington	Strong
Harris	Wilson
Hazlewood	Word
Herring	

Nays—5

Blanchard	Wade
Connally	Watson
Creighton	

Absent

Cole

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	Moore
Christie	Patman
Grover	Ratliff
Hall	Reagan
Hardeman	Schwartz
Harrington	Strong
Harris	Wilson
Hazlewood	Word
Herring	

Nays—5

Blanchard	Wade
Connally	Watson
Creighton	

Absent

Cole

Motion to Place

House Bill 11 on Second Reading

Senator Creighton asked unanimous consent to take up and consider at this time H. B. No. 11 on its second reading and passage to third reading.

There was objection.

Committee Substitute

House Bill 1 on Second Reading

The Senate resumed the consideration of the pending business, same being C. S. H. B. No. 1 on its second reading and passage to third reading.

Question—Shall C. S. H. B. No. 1 be passed to third reading?

(Pending discussion by Senator Blanchard of the bill, Senator Word occupied the Chair.)

Pending further discussion by Senator Blanchard of the bill, Senator Wilson moved that the Senate take recess until 8:05 o'clock p.m. today.

The motion prevailed.

Accordingly, the Senate at 6:12 o'clock p.m. took recess until 8:05 o'clock p.m. today.

After Recess

The President called the Senate to order at 8:05 o'clock p.m. today.

Text of Conference Committee Report on House Bill 5 Ordered Not Printed

On motion of Senate Aikin and by unanimous consent the text of the Conference Committee Report on H. B. No. 5 was ordered not printed in the Daily Journal as it will be printed as a supplement by the Legislative Council.

Committee Substitute House Bill 1 on Second Reading

The Senate resumed the consideration of the pending business, same being C. S. H. B. No. 1 on its second reading and passage to third reading.

Question—Shall C. S. H. B. No. 1 be passed to third reading?

Pending discussion by Senator Blanchard of the bill, Senator Hightower moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

Yeas—12

Aikin	Mauzy
Blanchard	Patman
Creighton	Ratliff
Hall	Reagan
Hazlewood	Watson
Hightower	Word

Nays—17

Bates	Harrington
Bernal	Herring
Berry	Jordan
Brooks	Kennard
Christie	Schwartz
Cole	Strong
Connally	Wade
Grover	Wilson
Hardeman	

Absent

Harris	Moore
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Pending further discussion by Senator Blanchard of the bill, the President Pro Tempore occupied the Chair.

(President in the Chair.)

Pending further discussion by Senator Blanchard of the bill, Senator Watson moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

Yeas—12

Aikin	Mauzy
Blanchard	Patman
Creighton	Ratliff
Hall	Reagan
Hazlewood	Watson
Hightower	Word

Nays—16

Bates	Harrington
Bernal	Harris
Berry	Herring
Brooks	Jordan
Christie	Kennard
Connally	Schwartz
Grover	Strong
Hardeman	Wilson

Absent

Cole

Paired

Senator Wade (present) who would vote "Nay," with Senator Moore (absent), who would vote "Yea."

Pending further discussion by Senator Blanchard of the bill, Senator Berry moved that the Senate take recess until 11:00 o'clock p.m. today.

The motion was lost.

Question—Shall C. S. H. B. No. 1 be passed to third reading?

Message From the House

Hall of the House of Representatives
Austin, Texas,
July 2, 1968.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 16 by vote of 145 ayes, 1 no.

H. C. R. No. 38, Designating the George Parkhouse Dam and Reser-

voir on the Sulphur River, Sulphur Bluff, Texas.

H. C. R. No. 42, Regarding space in the Capitol Building.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Committee Substitute House Bill 1
on Second Reading**

The Senate resumed the consideration of the pending business (same being C. S. H. B. No. 1 on its second reading and passage to third reading).

Question—Shall C. S. H. B. No. 1 be passed to third reading?

Pending discussion by Senator Blanchard of the bill, Senator Aikin occupied the Chair.

(July 3, 1968)

(President in the Chair.)

Pending further discussion by Senator Blanchard of the bill, Senator Word raised the Point of Order that under Senate Rule 37, C. S. H. B. No. 1 could not be considered further.

The President sustained the Point of Order.

Senator Christie then moved to suspend Senate Rule 37 in order to continue consideration of C. S. H. B. No. 1.

Question on the motion to suspend Senate Rule 37, "Yeas" and "Nays" were demanded.

The motion to suspend Senate Rule 37 was lost by the following vote:

Yeas—14

Bates	Harris
Bernal	Herring
Berry	Jordan
Brooks	Kennard
Christie	Schwartz
Connally	Strong
Grover	Wilson

Nays—14

Aikin	Hightower
Blanchard	Mauzy
Creighton	Patman
Hall	Ratliff
Hardeman	Reagan
Harrington	Watson
Hazlewood	Word

Absent

Cole

Paired

Senator Wade (present) who would vote "Yea," with Senator Moore (absent), who would vote "Nay."

Question—Shall C. S. H. B. No. 1 be passed to third reading?

House Bill 23 on Second Reading

Senator Berry moved that Senate Rules 13 and 37 be suspended and that H. B. No. 23 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Bates	Hazlewood
Bernal	Herring
Berry	Jordan
Brooks	Kennard
Christie	Reagan
Connally	Schwartz
Grover	Strong
Hardeman	Watson
Harrington	Wilson
Harris	

Nays—8

Aikin	Mauzy
Blanchard	Patman
Creighton	Ratliff
Hightower	Word

Absent

Cole

Hall

Paired

Senator Wade (present) who would vote "Yea," with Senator Moore (absent), who would vote "Nay."

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 23, A bill to be entitled "An Act relating to the hours of sale, service, possession and consumption of alcoholic beverages; amending Sections 4(c)(1) and 15(e) 7, Article I, and Section 10, Article II, Texas Liquor Control Act, as amended (Articles 666-4, 666-15e, and 667-10, Vernon's Texas Penal Code); providing for severability; and declaring an emergency."

The bill was read second time.

Senator Patman raised the Point of Order that the bill was not within the Governor's Call.

The President over-ruled the Point of Order stating:

"A ruling either way on this point could, in my opinion, be sustained. The Governor in his most recent message, read to this body on June 24, stated that he had 'officially included in the call the reform of the liquor laws of this state' and that the matter had been included from the beginning of the session. In his message of June 4, the Governor urged the adoption of 'a strict liquor reform act.'"

"The word 'reform' is defined as 'to improve in form, . . . remove faults, . . . bring from bad to good, . . . change from worse to better.' It is obviously a matter of opinion rather than a question of law as to whether extension of hours of sale comes within those definitions. There are, however, other definitions of the same word, such as 'to amend' or 'to change.' The Chair could do no more than to guess what meaning of 'reform' the Governor had in mind when he used that word in his messages. The Chair has no desire to restrict the call and does not feel that it would be appropriate to do so. The Chair will, therefore, permit the measure to come before this body. If it is passed, the Governor is the proper person to determine whether it was or was not within the call."

Senator Patman offered the following amendment to the bill:

Amend H. B. No. 23 by striking Section 2 thereof.

The amendment was read.

Question—Shall the amendment by Senator Patman to H. B. No. 23 be adopted?

Pending discussion by Senator Patman of the amendment, Senator Word moved that the Senate stand adjourned until 10:30 o'clock a.m. today.

The motion to adjourn was lost by the following vote:

Yeas—12

Aikin	Hightower
Blanchard	Patman
Connally	Ratliff
Creighton	Reagan
Hardeman	Watson
Harrington	Word

Nays—15

Bates	Herring
Bernal	Jordan
Berry	Kennard
Brooks	Mauzy
Christie	Schwartz
Grover	Strong
Harris	Wilson
Hazlewood	

Absent

Cole	Hall
------	------

Paired

Senator Wade (present) who would vote "Nay," with Senator Moore (absent), who would vote "Yea."

Senator Berry moved the Previous Question on the pending amendment and the passage of H. B. No. 23 to third reading, and the motion was duly seconded.

Question—Shall the Previous Question now be put?

The Previous Question failed to be ordered by the following vote:

Yeas—9

Bates	Harrington
Bernal	Harris
Berry	Hazlewood
Brooks	Wade
Christie	

Nays—19

Aikin	Mauzy
Blanchard	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hardeman	Strong
Herring	Watson
Hightower	Wilson
Jordan	Word
Kennard	

Absent

Cole	Moore
Hall	

Pending further discussion by Senator Patman of the amendment, Senator Watson moved that the Senate stand adjourned until 10:30 o'clock a.m. today.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

Yeas—12

Aikin	Hazlewood
Connally	Hightower
Creighton	Patman
Hall	Ratliff
Hardeman	Watson
Harrington	Word

Nays—15

Bates	Kennard
Bernal	Mauzy
Berry	Reagan
Brooks	Schwartz
Christie	Strong
Grover	Wade
Herring	Wilson
Jordan	

Absent

Blanchard	Harris
Cole	Moore

Presentation of Guest

Senator Jordan, by unanimous consent, presented Mrs. R. C. Nichols as a guest of the Senate.

House Bill 23 on Second Reading

The Senate resumed the consideration of the pending business, same being H. B. No. 23 on its second reading and passage to third reading with an amendment by Senator Patman pending.

Question—Shall the amendment by Senator Patman to H. B. No. 23 be adopted?

Pending discussion by Senator Patman of the amendment, Senator Berry raised the Point of Order that Senator Patman was not confining his remarks to the subject of the amendment.

The President sustained the Point of Order.

Question—Shall the amendment by Senator Patman to H. B. No. 23 be adopted?

Memorial Resolutions

S. R. No. 229—By Senator Herring: Memorial resolution for L. Theo Bellmont.

S. R. No. 240—By Senator Watson: Memorial resolution for Billy Gene Proctor.

S. R. No. 241—By Senator Hazlewood: Memorial resolution for Frank P. Wilson, Sr.

S. R. No. 242—By Senator Hazlewood: Memorial resolution for Dean White.

S. R. No. 243—By Senator Hazlewood: Memorial resolution for Homer Greenhill.

Welcome and Congratulatory Resolutions

S. R. No. 227—By Senator Word: Extending welcome and privileges of the floor for the day to Charles Schreiner.

S. R. No. 231—By Senator Watson: Extending congratulations to citizens of Crawford, Texas, upon being designated as "Texas' most progressive rural community" in annual Texas Community Improvement Program.

S. R. No. 233—By Senator Schwartz: Extending welcome to David Evans, et al.

S. R. No. 234—By Senator Herring: Extending welcome to teachers and students of the American History Class of Austin High School.

S. R. No. 237—By Senator Christie: Extending congratulations to Harris T. Vogel on his election as President of the Texas Police Association.

S. R. No. 238—By Senator Christie: Extending congratulations to Mrs. Aurora Mata for her long and commendable service to the Democratic Party and to the City of El Paso.

S. R. No. 244—By Senator Mauzy: Extending welcome to Mrs. Loretta Holbrook, et al.

S. R. No. 245—By Senator Berry: Extending congratulations to Dannie Ray Johnson, et al., on their selection to the "1968 Pop Warner All-American Team of Little Scholars."

S. R. No. 246—By Senator Hall: Extending welcome and privileges of the floor for the day to William A. Sechrest and wife.

S. R. No. 250—By Senator Watson: Extending welcome to Colonel Bill Hollowell.

S. R. No. 251—By Senator Watson: Extending welcome and privileges of the floor for the day to Mr. and Mrs. K. T. Williamson.

S. R. No. 252—By Senator Herring: Extending welcome to Brownie Brunson.

S. R. No. 253—By Senator Watson: Extending welcome and privileges of the floor for the day to Jack Bowen and daughter.

S. R. No. 254—By Senator Watson: Extending welcome and privileges of the floor for today to Ken Cole.

Adjournment

On motion of Senator Hazlewood the Senate at 1:40 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

APPENDIX

Sent to Governor

July 2, 1968

S. C. R. No. 19

S. C. R. No. 21

In Memory of Virgil C. Lott

Senator Herring offered the following resolution:

(Senate Resolution 228)

Whereas, On April 16, 1968, the City of Austin and the entire State of Texas lost an esteemed citizen with the death of Virgil C. Lott, widely known attorney and the first Negro graduate of the University of Texas School of Law; and

Whereas, Mr. Lott was born in Austin in 1924, attended Austin public schools, and was graduated from Anderson High School in 1941; he received his bachelor of science degree in business administration in 1949 from Samuel Huston College, the Austin school which is now known as Huston-Tillotson College; from 1949 to 1950 he attended Texas Southern University at Houston, then entered The University of Texas School of Law in the fall of 1950 and received his bachelor of laws degree in 1953; and

Whereas, The leadership and ability of Virgil Lott was recognized throughout Texas, during his too-brief lifespan, he died at the age of 43, he achieved much for members of the Negro race; in addition to his accomplishment as the first Negro to graduate from The University of Texas School of Law, he became the first Negro ever to sit on the bench of a court in Austin when he was appointed by the City Council to serve in Corporation Court during the absence of Judge Tom McFarling in 1965; he was founding president of the Capital City Lions Club, and was finance chairman of the Eagles division, Boys Scouts of America; and

Whereas, He was named 'Outstanding Man of the Year' by Zeta Phi Beta Sorority, for the many accomplishments which gained for him the friendship and respect of civic leaders and business and professional associates; and

Whereas, Virgil Lott was a pioneer in legal aspects of developing multi-family housing for low and moderate-income families under the Federal Housing Administration insured loan programs; he was attorney for David Chapel Missionary Baptist Church, a nonprofit sponsor of the new, rent-supplement, nonprofit 99-unit apartments in the Kealing renewal project in East Austin; he worked with St. Joseph Grand Masonic Lodge in development of MaSon apartments for medium-income families and was in the process of helping Grant Chapel A.M.E. Church plan additional rent-supplement housing at the time of his death; and

Whereas, On being notified of Mr. Lott's death, Mayor Harry Akin spoke for all of Austin when he said: "He certainly contributed greatly to the good of the whole city. He had an enlightened and tolerant viewpoint which brought him many friends"; and

Whereas, In addition to his dedication to civic betterment and to responsibility for his fellowman, Virgil Lott loved his country and served it well; he was with the United States Army in England, France, and Belgium during World War II; and

Whereas, His geniality, his ability, and his leadership will be greatly missed by all who knew Virgil C. Lott, and it is appropriate that the Senate of the 60th Legislature, 1st Called Session, pay tribute to this outstanding citizen; now, therefore, be it

Resolved, That the Senate of the State of Texas, by this Resolution, show honor and respect to the memory of Virgil C. Lott and extend deep sympathy to the members of his family on their great loss; to his wife, Mrs. Gloria Lott of Austin, and two daughters, Mrs. Joyclyn Dotson of Austin and Adrian Lott, a student at Southern University, Baton Rouge, Louisiana; to his mother, Mrs. Viola Lott of Austin; to his sister, Mrs. Virginia Lewis of Austin; and to his four brothers, O. R. Lott, Jr., and Harry Lott, both of Austin, Father Ira Verdell Lott of San Antonio, and Leslie Lott; and, be it further

Resolved, That official copies of this Resolution, under the seal of the State Senate, be prepared for his wife and his mother, and that when the Senate adjourns this day, it do so in memory of Virgil C. Lott.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of Joe L. Hill

Senator Herring offered the following resolution:

(Senate Resolution 230)

Whereas, On October 4, 1967, the city of Austin and the State of Texas lost a distinguished and colorful citizen with the death, at age 73, of former State Senator Joe L. Hill; and

Whereas, He was a member of the First Methodist Church of Austin; and

Whereas, Senator Hill was originally from Henderson, in "deep East Texas," where he practiced law before serving in the Senate from 1935 to 1941—the 44th through the 47th Legislatures; and

Whereas, The former Senator from Rusk was a graduate of Southwestern University in Georgetown, the school which has given Texas so many distinguished figures, not only in public life, but in the legal and other professions; he completed his legal education at The University of Texas; after obtaining his law degree he returned to Henderson to practice law; it was from there that he entered politics and his term in the Senate followed; and

Whereas, It has been said that the Senate was not the same after he became a member; he was in disagreement with the then administration, and he let it be known every morning for 30 minutes following the morning call; during his six years of service as a state official he devoted his time and his energies to the causes for which he stood; and

Whereas, Following his tenure in the Senate he adopted Austin as his home; he was a regular volunteer in the Austin City Council, and other public discussion groups; he invariably took the opposing side in a debate or controversy, not in a spirit of opportunism, but as a champion of the underdog, and he lent his legal skill, his argumentative ability, and his tremendous voice to the cause which he favored; and

Whereas, His name was a symbol of a fearless, dynamic, courageous citizen; his active life was not planned to make friends, or to win battles, but to stimulate what he thought was the lethargic public into action on the principles involved; he wanted all phases of any situation discussed, whether it was a city ordinance, a tax election, a zoning problem, or cutting corners on an overestimated budget; both friends and adversaries considered him a success, though he was not always pictured in a popular role; now, therefore, be it

Resolved, That the Senate of Texas, 60th Legislature, 1st Called Session, wishes to pay tribute to this distinguished gentleman and to extend deep sympathy on their great loss to his two brothers, the Reverend Milton F. Hill of Mineral Wells, and William M. Hill of Dallas; and, be it further

Resolved, That copies of this Resolution be prepared for his family, and that when the Senate adjourns this day, it do so in memory of Senator Joe L. Hill.

HERRING

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Harris, Hazlewood, Hightower, Jordan, Kennard, Mauzy, Moore, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.

In Memory of Chester K. Mick

Senator Herring offered the following resolution:

(Senate Resolution 247)

Whereas, In the passing of Chester K. Mick on the 24th day of August, 1967, at the age of 60, Smithville and the County of Bastrop lost an outstanding citizen and good friend; and

Whereas, Mr. Mick, owner and publisher of the Smithville Times, a weekly newspaper he purchased in 1947 after returning from Army service in World War II, was keenly interested in his community and constantly worked for its betterment. As editor of the Smithville Times, he lent his excellent judgment and influence to foster worthwhile community projects for he felt that such service was the most important contribution his newspaper could make. Because of his outstanding work and many successful efforts, he won a total of 57 newspaper awards. His first plaque for community service was presented in 1948, and his was the only newspaper in South Texas to be honored with this award five times. His many other awards were earned for excellence in editorial writing, agricultural promotion, industrial promotion, and advertising; and

Whereas, He served as a director of the Chamber of Commerce, was a "Gold Key" member of Lions International, and a 20-year "Old Monarch," signifying 20 years of continuous service; he worked with the Salvation Army and served as Commissioner of Scouting in the Capitol Area Council; he was a member of the American Legion, an organization in which he took great pride and interest, and served as commander of Robert L. Steffens Post 180; he was a member of the First Baptist Church, the IOOF Lodge, the Texas Press Club, and the Austin Knife and Fork Club; and

Whereas, He was instrumental in making a hospital in Smithville a reality and his death has saddened the citizens of Smithville who knew him as a champion of their interests and as a leader in working for the needs of the community; and

Whereas, Mr. Mick is survived by his widow, Mrs. Margaret Bridges Mick; his daughter, Mrs. Mildred Ann Briggs of Corpus Christi; his son, George C. Mick of Smithville; three sisters, Mrs. R. A. Pugh of Iago, Texas; Mrs. T. E. Wiley of Austin, and Mrs. A. C. Benson of Del Norte, Colorado, and five grandchildren; and

Whereas, It is the desire of the Senate to pay tribute to Chester K. Mick and extend sympathy to his family on their great loss; now, therefore, be it

Resolved, That the Senate of Texas, 60th Legislature, First Called Session, express deep sympathy to Mr. Mick's family and instruct the Secretary of the Senate to prepare copies of this Resolution for presentation to them; and be it further

Resolved, That a page in the Senate Journal be set aside for the recording of this Resolution and that when the Senate adjourns this day it do so in honor of Chester K. Mick.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of Finis L. Kuykendall

Senator Herring offered the following resolution:

(Senate Resolution 248)

Whereas, The City of Austin suffered the loss of one of its most prominent citizens in the passing of Finis L. Kuykendall on the 6th day of June, 1968, at the age of 68; and

Whereas, Mr. Kuykendall was a widely known and respected attorney; he was a member of the Travis County Bar Association, serving as president in 1964-65, and the State Bar and American Bar Associations; and

Whereas, He had been a resident of Austin since 1934, at which time he was employed as an attorney in the Gas Utilities Division of the Railroad Commission, and after three years in that capacity he went into the general practice of law and was active until his retirement early in 1968; and

Whereas, Mr. Kuykendall was a member of the Ben Hur Shrine Temple of Austin, serving as its potentate in 1959, and was a member of the Royal Order of Jesters, Austin Court No. 435; he also belonged to the Scottish Rite Bodies and Albany Lodge No. 482; he was a past president of the Austin Country Club and a member of the First Baptist Church; and

Whereas, Mr. Kuykendall was a Christian gentleman and fine jurist who had the respect of his profession, and his counsel and friendship will be greatly missed by all who knew him; and

Whereas, He is survived by his widow, Mrs. Ola C. Kuykendall; one son, Kirk Kuykendall, and three grandchildren, all of Austin; six sisters, Mrs. Ora Williford, Lubbock, Mrs. Irene French, Cleburne, Mrs. Muri Clark, Weatherford, Mrs. Maurine Morse, Austin, Mrs. Elva Morman, St. Louis, Missouri, and Mrs. Audette Harkins, Lubbock; and

Whereas, It is the desire of the Senate to pay tribute to Finis L. Kuykendall and extend sympathy to his family on their loss; now, therefore be it

Resolved, That the Senate of Texas, 60th Legislature, First Called Session, express deep sympathy to Mr. Kuykendall's family and instruct the Secretary of the Senate to prepare copies of this Resolution for presentation to them; and be it further

Resolved, That a page in the Senate Journal be set aside for the recording of this Resolution and that when the Senate adjourns this day it do so in honor of Finis L. Kuykendall.

HERRING

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Harris, Hazlewood, Hightower, Jordan, Kennard, Mauzy, Moore, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.